

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF OKLAHOMA**

<b>KARL FONTENOT,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-16-69-JHP</b>
	)	
<b>JOE ALLBAUGH, Director,</b>	)	
	)	
<b>Respondent.</b>	)	

**MOTION TO DISMISS**  
**SECOND AMENDED HABEAS CORPUS PETITION AS PROCEDURALLY BARRED**  
**BY THE STATUTE OF LIMITATIONS AND THE STATE BAR OF LACHES, AND**  
**BECAUSE IT INCLUDES UNEXHAUSTED CLAIMS**

COMES NOW the Respondent, by and through the Attorney General of the State of Oklahoma, and respectfully asks that the instant Second Amended Petition for Writ of Habeas Corpus be dismissed because it is time-barred by the statute of limitations, procedurally barred by the adequate and independent state bar of laches, and Petitioner has failed to exhaust at least two of the propositions raised therein. Respondent has filed a brief in support of this Motion that is being filed simultaneously herewith which more fully explains and supports Respondent's position.

WHEREFORE, for the reasons contained within Respondent's brief in support, Respondent respectfully requests that this Court dismiss the instant Petition.

Respectfully submitted,

**MIKE HUNTER**  
**ATTORNEY GENERAL OF OKLAHOMA**

s/ MATTHEW D. HAIRE  
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**ATTORNEYS FOR RESPONDENT**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of April, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/ MATTHEW D. HAIRE  
s/ THEODORE M. PEEPER